



Analytical Report №1. Local Elections on September 13, 2015 Russian Federation

The Interregional Public Foundation for Civil Society Development “Golos-Ural,” a subsection of the Movement for the Defence of Voters' Rights “Golos” (hereinafter referred to as “Golos”) conducts a long-term election observation program for the elections scheduled in the Russian Federation for September 13, 2015. “Golos” is monitoring the regional and municipal election campaigns in 21 regions: Vladimir, Voronezh, Ivanovo, Irkutsk, Kaliningrad, Kaluga, Kostroma, Kurgan, Leningrad, Lipetsk, Nizhnyi Novgorod, Novosibirsk, Oryol, Rostov, Ryazan, Samara, Tomsk, Chelyabinsk, Krasnodar Territory, the Republic of Mari El, and the Republic of Tatarstan.

Golos monitors:

- 10 out of 21 elections for federal region heads;
- 8 out of 11 elections for federal representative bodies;
- 14 out of 25 elections for representative bodies of the regional capitals (including Samara and Makhachkala).

In addition, Golos analyses information from other regions by using the "Map of Violations," an information resource available at www.kartanarusheniy.org.

“Golos” is planning to release weekly analytical reports on long-term election monitoring and the election campaign for the upcoming one-day voting on September 13.

1. Executive Summary

“Golos” draws public attention to deviations from the principles and standards of democratic elections, primarily evident in the manipulation of electoral law for political reasons shortly before the elections and in the creation of unequal conditions for access to administrative resources, designed to favor certain candidates and parties.

Of particular concern are incidents of pressure and intimidation of observers: mass removal of public observers under various pretexts from the voting premises, and beatings of observers. “Golos” activists suffer systematic persecution.

While monitoring the preparation and appointment processes of the election campaign for the 13 September 2015 election at its initial stage we have identified the following trends and patterns:

- Instability of regional legislation regarding the organization of the electoral process and the local government; the changes occur on a regular basis and are manipulative in nature.
- Absence of legal guarantees securing public election observation;
- Failure to comply with the presumption of equality of candidates and political parties;
- Instability of regional and organizational election commissions;
- Growing popularity and increasing importance of early voting (primaries); the primaries are not legally defined and are not governed by the laws on elections and political parties.

2. Instability of Regional Electoral Laws

Before an election campaign starts, there have usually been various and numerous changes in relevant laws and other legal acts regulating the Russian elections on the federal level. A significant portion of those changes has often been of fundamental importance and has significantly altered the basic elements of the electoral system. Consequently, federal subjects then have had to bring their regional electoral legislation in line with altered federal requirements.

For the first time in many years, however, there were no significant changes in the federal legislation on the eve of the 2015 election campaign. The main venue for the manipulation of electoral rules has moved from the federal to the regional and local levels. Almost half of the regions adopted final versions of the electoral law less than one month before the start of the election campaign. Most importantly, the changes to the electoral legislation at the regional level have significantly transformed the following:

- election procedure for heads of local self-government
- composition of representative bodies
- definition mechanism for local constituencies
- drawing methods for party lists
- introduction of early voting
- change in timing for the nomination and registration of candidates and party lists

As a result, before the start of this election campaign, there are not only changes in the rules of election participation, a significant intervention in the very course of political processes at the regional and local level, as well as a change in specific policy goals and objectives for the participants in the power struggle.

Changing the System for the Formation of Representative Bodies

One of the most significant changes is the change in the system for forming representative bodies. According to the law, municipal elections take place in the second half of June and in some regions, changes in elections schemes for representative bodies took place as late as March and April, only 2 to 3 months before the start of the election campaign.

For example, on March 26, 2015, the Oryol City Council amended the city charter and introduced a mixed election system, reducing the number of majority districts from 38 to 28, with seats granted to parties. In March 2015, a similar development occurred in Lipetsk, where City Council elections are upcoming, and where changes in the City Charter increased the number of deputies from 35 to 48, introduced a mixed electoral system, and abolished elections for the Head of the City Administration. Also in March 2015, a mixed system was introduced for the Voronezh City Duma (Parliament). Transitions to a mixed system shortly before the elections also took place in Novosibirsk (at the end of March 2015) and Krasnodar (late April 2015).

“Golos” considers the change to the election system and the consequent change of constituencies’ borders less than one year before the start of the election campaign to be a method of election manipulation.

No Possibility for Election Observation on Behalf of Public Associations

“Golos” stresses the lack of opportunity to observe the upcoming elections on behalf of public associations. New electoral legislation enacted on 24 November 2014 introduced a rule that, in addition to foreign citizens and persons without Russian Federation citizenship, foreign organizations, international organizations, international public movements, and NGOs acting as “foreign agents” are “not entitled to carry out activities that facilitate or impede the nomination of candidates, formation of lists of candidates, election of registered candidates, nomination of initiatives to hold a referendum, the holding a referendum, the achievement of certain results at elections, referendums, and other forms of participation in election and referendum campaigns.”

Federal lawmakers and, consequently, legislators in the regions of the Russian Federation still do not provide voters with the appropriate rights. According to Article 30 and paragraph 9 of Article 68 of the Federal Law № 67-F3, voters are not included in the list of persons entitled to attend election commission meetings nor to be present at the counting of votes. Thus, the voter has virtually no opportunity to report violations, nor to obtain evidence to present in court, which limits his or her constitutional right to judicial review of the vote outcome and, accordingly, to active suffrage.

One of the most recent areas to eliminate such a possibility during the election period was the Samara region, where regional legislation expelled observers from NGOs. In the election campaigns currently being monitored, observation by public associations is allowed by the Electoral Code of the Kostroma region, as well as in municipal elections in the Lipetsk region.

Pressure and Intimidation of Civic Observers

On Tuesday morning, 6:30 on 7 July 2015, house searches were conducted in the private flats of Grigori Melkonjanc, deputy director of the EPDE member organization “Golos,” of Roman Udot, a senior expert of the organization, and of Tatiana Troinova, director of the inter-regional foundation GOLOS. Documents and technical devices were confiscated. Later in the day, the search was continued in the GOLOS office in Moscow. The search was conducted by the Samara department of the Ministry of Internal Affairs and officially stands in connection with the long-lasting prosecution of the southern Russian Samara branch of “Golos.” In February 2015,

Ludmila Kuzmina, the head of the Samara branch of GOLOS was charged with tax evasion. Tax authorities claimed that Ludmila Kuzmina owed back taxes in the amount of 2 million Rubles (approx. \$40,000 USD) for donations received for the work of the regional GOLOS branch from 2010 to 2012.

A resonant scandal occurred during the elections on April 26, 2015 to the Board of Deputies in the municipality of Balashikha, Moscow region. In District No. 8, a member of election commission with advisory vote Stanislav Pozdnyakov and mass-media representative Dmitry Nesterov (newspaper "Freedom Territory") were beaten severely after they had prevented ballot stuffing. At other polling stations, there have also been incidents of mass removal of civic observers under various pretexts. These events took place in part because of ineffective police work.

Return of Early Voting

Among the latest developments in the regional legislation in the Riazan region on the eve of the elections announcement was the return of early voting and abolition of the absentee ballots, which greatly affects the campaign strategy for deputies and parties and the organization of the monitoring procedure for voters. In May 2015, the Kurgan region introduced early voting, instead of the rules governing the procedure for voting by absentee ballots.

Shortening of the Period for Nomination of Candidates

On February 26, 2015, the legislative assembly of Cheliabinsk region passed law No. 131-LP, which shortened the candidates' nomination period sharply (by 24 days). As a result, in many municipalities of the Cheliabinsk region, self-nominated candidates simply may not have enough time to get nominated for the upcoming elections. In Novosibirsk, the nomination period was also reduced by 10 days.

Thus, there is an artificial restriction of passive electoral rights of citizens, created to reduce competition in the municipal elections and reduce the representativeness of Local Self Government Bodies.

The Return of the "Against All" Option

There are also cases where regional authorities are blocking a series of amendments that have been long-awaited by deputies and voters in the region. It is worth recalling that at the end of 2013, the so-called return of the "against all" voting option was hailed as a positive response to the state-wide grassroots initiative, as an embodiment of the will of the voters. However, the return of the column "against all" was implemented entirely at the mercy of the regional authorities, and only has appeared in municipal elections starting in 2015. So far, the option has returned only in six regions: the Republic of Sakha (Iakutia) and Karelia, and the Belgorod, Vologda, Kaluga, and Tver regions.

The return of the column "against all", the introduction of early voting, and the changing of the electoral system demonstrate an opportunistic, manipulative political approach in regions where changes have been introduced to basic election parameters. The changes cannot be explained as

concern for extending the rights of voters and candidates, but by the desire to maintain maximum control over the electoral process and its results.

Rules that Hinder the Staging of Public Events

Another limitation on the implementation of citizens' political rights is the introduction on the eve of the elections in several regions of the norms toughening the rules for public events. For example, members of the Kostroma Regional Duma on July 2, 2015 imposed a ban on holding public events (meetings, rallies, marches and demonstrations) in the central squares of the city of Kostroma, in stadiums, sports and children's playgrounds, markets, and on public transport. Another ban on mass public events was put into place for areas located within 100 meters of state and local government buildings.

Obstacles to conducting public events before the elections occurred for the opposition parties in some regions, for example, Vladimir, Kostroma, and Kaluga.

The Abolition of Direct Elections for Heads of Local Self-Government

The most acute political controversies are caused by changes in the regional legislation that have led to the actual cancellation of the election for heads of local government in most regions of the country. As a result, for the first time, during this year's municipal elections, only members of the representative bodies will be elected during the single day of voting in the capitals of regions. The abolition of direct elections for heads of local government is a significant restriction of the right to elect and be elected.

Based on previous experience, already at the start of the election campaign, civic observers and representatives of political parties have identified a number of sensitive issues of concern for equal and fair elections, including the following:

- difficulty with the opening of electoral accounts and other issues with cooperating with "Sberbank";
- employment of the following positions in election commissions: consultants, "lawyers" with undefined roles, but with clear assignments to complicate the life of opposition candidates and parties (especially in Vladimir, Ivanovo, Samara, among others);
- problems with securing a fair drawing of the listing order for candidates and parties on the ballot (strangely, since 10 years in Tatarstan the EP and its candidates manage to get the first position on the ballot);
- significant delays in the announcement of information about nominated candidates and other information on the election commissions' official sites (Ivanovo region);
- violation of the rules of the pre-election campaigning of the parties in power and their candidates, the
- release of campaign materials under the guise of information on the activities of deputies and officials (for example, observers note that indirect campaigns are already in the media of the Krasnodar region of the acting governor Benjamin Kondrat'ev with similar situations in other regions);

- censorship in the media (Kaluga, Kostroma, and the Samara region of Tatarstan), which manifests itself in an unofficial ban on coverage of the opposition and on all candidates in the campaign, except those who are representatives of the current government.

The biggest concern among political parties and the opposition is the inaction of the election commissions in regard to the use of administrative resources.

3. Changes of the Composition of Election Commission

On the eve of the electoral campaign, the composition of the election commission is changing. Many of these changes are critical to the process and affect the management team of the election commission that organizes the elections.

The most significant changes in the management of the regional election commissions took place in the regions of Arkhangelsk and Kurgan, and in the Republic of Sakha (Iakutia).

Similar processes involving the changes of leadership of municipal election commissions and territorial election commissions are taking place. These changes in the governing body of the election commission are a result of changes in the governance of the federal regions of Russia and cast doubt upon the independence of the regional electoral commissions from the current government.

4. Conducting Preliminary Internal Party Elections (Primaries)

In preparation for the 2015 elections, media and observers have begun to dedicate more attention to observing internal preparation activities of parties - party conferences, changes in the management of the regional offices, and preliminary internal party elections. According to the media, during the pre-election period primaries were carried out primarily by the “United Russia” party (Edinaia Rossiia) and “Democratic Coalition” (Demokraticheskaia Koalitsiia), acting on the basis of “PNP-Parnas” party.

Primaries have become part of the election process, despite the fact that this procedure is not regulated by the electoral law. An important question to ask is how citizens can ensure the safety of their personal data transferred to the organizers of the primaries, or to ensure that their data were destroyed after the primary. Primaries organized by the “United Russia” party in a number of regions were carried out with the apparent use of administrative resources and public funds.

During “United Russia’s” primaries, there were multiple documented cases of coercion for municipal and state employees to vote (for example, in Krasnodar, Vladimir, Ivanovo, Samara, and Novosibirsk regions), pressure on the electorate (in the Irkutsk region), incidents of individuals voting at multiple polling stations, “group voting”, inflation of voter turnout (Kostroma region), manipulation of voters’ lists (Voronezh region), illegal temporary registration of voters (Irkutsk region), bussing of voters (Leningrad region, Voronezh region) and bribing of voters (Voronezh, Kostroma, and Nizhny Novgorod regions), significant delays in the publication of the official election results on the specially created websites (Ivanovo and Krasnodar regions), direct falsification of election results, and other common violations.

5. Recommendations

Public authorities that have legislative power and authority to make political decisions should:

- ensure the stability of the electoral law, protect it from manipulation in favor of the ruling party and other participants of the political process
- make changes to the electoral law only when they are stipulated by the interests of the voters;
- create the necessary conditions for public election observation, in particular, to legislate on the monitoring by civil organizations;
- give municipalities full, constitutionally-guaranteed freedom in determining the methods of forming local governance bodies, including the reinstatement of the direct elections for the heads of municipalities and local administrations.

Election commissions should:

- Assist applicants in solving technical problems related to the opening of an election account;
- Ensure timely notification to voters about the candidates;
- Develop a set of measures to detect and prevent indirect campaigning in elections;
- Create equal opportunities for parties and candidates to have access to the media;

Political parties should:

- use public resources when not prohibited by law, especially when they are being used by another party;
- use the primaries to enhance and democratization and increase internal elections competition;
- provide means to guarantee the safety of personal data of the primaries candidates and voters;
- ensure financial transparency of party events, including primaries;
- formalize the primaries in the party statutes.

The expert group that worked on the report: Vitaly Kovin, Vitaly Averin, Yuriy Gurman, Denis Shadrin and regional long-term observers.

"Golos" is accepting donations for the long-term monitoring of elections and on the election day.
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